



General Assembly

February Session, 2022

Raised Bill No. 418

LCO No. 2941



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING WAGE THEFT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 31-53 of the 2022
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2022*):

4 (a) Each contract for the construction, remodeling, refinishing,
5 refurbishing, rehabilitation, alteration or repair of any public works
6 project by the state or any of its agents, or by any political subdivision
7 of the state or any of its agents, shall contain the following provision:
8 "The wages paid on an hourly basis to any person performing the work
9 of any mechanic, laborer or worker on the work herein contracted to be
10 done and the amount of payment or contribution paid or payable on
11 behalf of each such person to any employee welfare fund, as defined in
12 subsection (i) of this section, shall be at a rate equal to the rate customary
13 or prevailing for the same work in the same trade or occupation in the
14 town in which such public works project is being constructed. Any
15 contractor who is not obligated by agreement to make payment or
16 contribution on behalf of such persons to any such employee welfare

17 fund shall pay to each mechanic, laborer or worker as part of such
18 person's wages the amount of payment or contribution for such person's
19 classification on each pay day."

20 (b) [Any] If the commissioner, upon inspection or investigation of a
21 complaint, believes that a contractor or subcontractor [who] has
22 knowingly or wilfully [employs] employed any mechanic, laborer or
23 worker in the construction, remodeling, refinishing, refurbishing,
24 rehabilitation, alteration or repair of any public works project for or on
25 behalf of the state or any of its agents, or any political subdivision of the
26 state or any of its agents, at a rate of wage on an hourly basis that is less
27 than the rate customary or prevailing for the same work in the same
28 trade or occupation in the town in which such public works project is
29 being constructed, remodeled, refinished, refurbished, rehabilitated,
30 altered or repaired, or who [fails] has failed to pay the amount of
31 payment or contributions paid or payable on behalf of each such person
32 to any employee welfare fund, or in lieu thereof to the person, as
33 provided by subsection (a) of this section, such contractor or
34 subcontractor shall be issued a citation and fined [not less than two
35 thousand five hundred dollars but not more than] five thousand dollars
36 for each offense and (1) for the first violation, shall be disqualified from
37 bidding on contracts with the state or any political subdivision (A) until
38 the contractor or subcontractor has made full restitution of the back
39 wages owed to such persons, and (B) for an additional six months
40 thereafter, [and] (2) for any subsequent [violations] violation, shall be
41 disqualified from bidding on contracts with the state or any political
42 subdivision (A) until the contractor or subcontractor has made full
43 restitution of the back wages owed to such persons, and (B) for not less
44 than an additional two years thereafter, and (3) for more than one
45 violation within a five-year period, the commissioner shall refer the
46 matter to the Attorney General, who may institute a civil action to
47 recover any unpaid wages, plus interest. The Attorney General may file
48 an action to enjoin such conduct and debar the contractor for up to five
49 years from the date on which the action is filed. Each citation issued by
50 the commissioner pursuant to this subsection shall be in writing and

51 shall specifically describe the nature of the violation. Any contractor or
52 subcontractor issued a citation pursuant to this subsection may request
53 a hearing before the commissioner. Such request shall be made in
54 writing to the commissioner not later than ten days after the issuance of
55 the citation. The commissioner shall grant such request for a hearing if
56 such request includes a dispute of the material facts that resulted in the
57 issuance of the citation. Such hearing shall be conducted in accordance
58 with the provisions of chapter 54. In addition, if it is found by the
59 contracting officer representing the state or political subdivision of the
60 state that any mechanic, laborer or worker employed by the contractor
61 or any subcontractor directly on the site for the work covered by the
62 contract has been or is being paid a rate of wages less than the rate of
63 wages required by the contract to be paid as required by this section, the
64 state or contracting political subdivision of the state may (A) by written
65 or electronic notice to the contractor, terminate such contractor's right to
66 proceed with the work or such part of the work as to which there has
67 been a failure to pay said required wages and to prosecute the work to
68 completion by contract or otherwise, and the contractor and the
69 contractor's sureties shall be liable to the state or the contracting political
70 subdivision for any excess costs occasioned the state or the contracting
71 political subdivision thereby, or (B) withhold payment of money to the
72 contractor or subcontractor. The contracting department of the state or
73 the political subdivision of the state shall, not later than two days after
74 taking such action, notify the Labor Commissioner, in writing or
75 electronically, of the name of the contractor or subcontractor, the project
76 involved, the location of the work, the violations involved, the date the
77 contract was terminated, and steps taken to collect the required wages.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	31-53(a) and (b)

LAB *Joint Favorable*